REMARKS

As a threshold matter, it is respectfully submitted that this Office Action improperly issued as a Final Office Action. That is, the only amendment made in the prior response was an incorporation of the exact same recitations that were presented and examined in Claim 1 into Claim 2, which previously depended from Claim 1. An interview was conducted with the Examiner, who kindly indicated that a replacement Office Action would issue resetting the due dates. However, the U.S. Patent and Trademark Office private PAIR database does not, as of today, indicate that the promised replacement Office Action has issued. Accordingly, to avoid any prejudice and to avoid any extension of the time fees, the following response is submitted.

The Office Action rejected Claims 2-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; rejected Claim 2 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,035,183 to Todd et al. in view of Publication US 2004/0053592 by Reial; rejected Claims 3-7, 9 and 11 under 35 U.S.C. § 103(a) as unpatentable over Todd et al. in view of Reial; and rejected Claims 8 and 10 under 35 U.S.C. § 103(a) as unpatentable over Todd et al. in view of Reial and further in view of U.S. Patent Publication No. 2005/0033126 by Charash.

The Examiner's finding in the Office Action that the arguments presented in the prior response are persuasive is gratefully acknowledged. (Office Action, page 2.) However, rather than cite another reference, the present (Final) Office Action simply dropped the citation to Yang. As explained below, Applicants disagree with the analysis presented in the present (Final) Office Action and the rejections set forth therein must be withdrawn.

The prior Office Action rejected Claim 2, which is the only pending independent claim, in view of a combination of three references: Todd et al., Reial and PCT Publication WO 02/031992 A2 of Yang. The response to the prior Office Action explained why Yang is not prior art, and Yang was accordingly withdrawn. Accordingly, this present Office Action no longer cites Yang.

However, this present Office Action fails to cite another reference to replace Yang. Rather, despite the prior Office Action having to rely on three separate references to assert that Claim 2 is unpatentable, the present Office Action alleges that only two of these three references render Claim 2 unpatentable. It is respectfully submitted that the Examiner is incorrect.

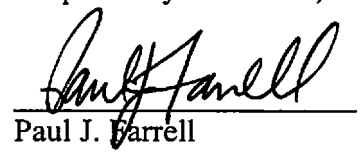
At page 5 of the prior Office Action (mailing date January 29, 2007) the Examiner conceded that "Todd et al. fail to disclose summing N number of RSSI_AVR values obtained by the execution of step e and determining the sum of the RSSI AVR values as an analysis result of the RSSI values for the predetermined time T." Yang was cited as allegedly curing this defect, and at page 6 of the prior Office Action, it was alleged that "Yang discloses a calculation that adds the signal strength (read as RSSI) averages (read as summing N number of RSSI_AVR values obtained by the execution of step e and determining the sum of the RSSI-AVR values as an analysis result of the RSSI values for the predetermined time T; see abstract)." Neither the prior Office Action nor this present Office Action indicates how Reial might cure the admitted defect of Todd et al. Accordingly, at least for the failure of Todd et al. and Reial to disclose or suggest the recitation set forth in step 'f' of Claim 2, the rejection must be withdrawn.

In regard to the rejection under 35 U.S.C. U.S.C. § 112, second paragraph, the Examiner indicated that that the claims are "incomplete for omitting essential steps, such omission amounting to a gap between the steps." (Office Action, page 2, citing MPEP 2172.01.) However, it is respectfully submitted that Claim 2 properly claims the method that is described in the specification (see page 7, line 14, to page 10, line 9, and Fig. 4), without omitting any of the essential steps therein. Accordingly, Claim 2, as well as Claims 3-11 that depend therefrom, particularly points out and distinctly claims the subject matter which applicant regards as the invention, and the rejection under 35 U.S.C. § 112, second paragraph, must be withdrawn.

Accordingly, the rejection of Claim 2 must be withdrawn. Claims 3-11, which depend from Claim 2, are in condition for allowance at least in view of their dependency from Claim 2.

In view of the above, all of the pending claims, i.e. Claims 2-11, are believed to be in condition for allowance. If a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact applicant(s) attorney at the number provided below.

Respectfully submitted,



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